

**PROCEEDINGS OF THE BROWN COUNTY  
HUMAN SERVICES COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Human Services Committee** was held on Tuesday, November 24, 2009, in Room 200 of the Northern Building – 305 East Walnut Street, Green Bay, Wisconsin.

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**Present:** Pat Evans-Chair, Jesse Brunette, Julie Knier, Pat LaViolette, Tom Lund, Pat Moynihan.  
**Excused:** Steve Fewell.  
**Also Present:** Tom Hinz, Mary Johnson, Tana Koss, John Leutscher, Rebecca Lindner, Kevin Lunog, Tom Martin, Randy Schultz, Jayme Sellen, Brian Shoup.  
Other Interested Parties.

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- I. **Call Meeting to Order:**  
The meeting was called to order by Chair Evans at 6:01 p.m.
- II. **Approve/Modify Agenda:**  
  
**Motion made by Supervisor LaViolette and seconded by Supervisor Knier to approve. MOTION APPROVED UNANIMOUSLY.**
- III **Approve/Modify Minutes of October 28, 2009:**  
  
**Motion made by Supervisor Lund and seconded by Supervisor Moynihan to approve. MOTION APPROVED UNANIMOUSLY.**

**Comments from Public:** None.

**Report from Human Services Chair, Patrick Evans:**

Chair Evans reported that there was an issue at the Community Treatment Center (CTC) that Brian Shoup, Human Services Director, will explain. Chair Evans said Director Shoup will also speak concerning the fact that a Nursing Home Administrator had not been hired to date.

1. **Review Minutes of:**
  - a. **Aging & Disability Resource Center Board (October 22, 2009)**
  - b. **Children with Disabilities Education Board (October 27, 2009)**
  - c. **Community Options Program Planning Committee (October 26, 2009)**
  - d. **Human Services Board (October 8, 2009)**
  - e. **Veterans' Recognition Subcommittee (October 13, 2009)**

**Motion made by Supervisor Knier and seconded by Supervisor Moynihan to take Items 1a, 1b, 1c, 1d, and 1e together and approve. MOTION APPROVED UNANIMOUSLY.**

**Communications**

2. **Communication from Supervisor Scray re: Review Brown County requirements of ID when applying for any Social Services from the County. Discuss the possibility of making Brown County requirements of ID stricter to prevent fraud.**

**Motion made by Supervisor LaViolette and seconded by Supervisor Knier to hold for 1 month. MOTION APPROVED UNANIMOUSLY.**

3. **Communication from Supervisor Andrews to develop a process, including a form to fill out, to articulate the factors that lead to the need for a budget transfer to cover shortfalls with a section to be filled out by our financial office indicating where funds can be taken from. This form should be presented along with the request for budget transfer, and included in our packets. (Referred from September Administration Meeting.):**  
Supervisor Lund reported that this is being addressed through the Administration Committee.

**Motion made by Supervisor Moynihan and seconded by Supervisor Lund to receive and place on file. MOTION APPROVED UNANIMOUSLY.**

4. **Communication from Supervisor Evans re: To address concerns with the Brown County Sheriff's Department and local Law Enforcement Agencies on the EM-1 placement of patients as it relates to the Crisis Center and the Community Treatment Center. Additionally to develop a county-wide plan for all Law Enforcement Agencies to abide by with accordance to enhanced safety and efficiency procedures:**

Chair Evans explained that some law enforcement agencies are bypassing the Crisis Center and bringing people directly to the CTC. He stated that the City of Green Bay expressed concern regarding whether or not the Crisis Center is a Chapter 1 facility. In addition, the City of Green Bay would like a Hold Harmless Agreement from Brown County; otherwise, individuals would only be transported by the City of Green Bay to the CTC. Chair Evans stated that he supported Brown County providing a Hold Harmless Agreement to all law enforcement agencies, so the agencies would transport individuals to the Crisis Center and then the CTC if needed. Chair Evans added that 86 percent of the individuals brought to the Crisis Center are diverted, and only 14 percent are taken to the CTC.

Tana Koss, Program Manager of the Crisis Center, stated that the Crisis Center is a program within Family Services. Ms. Koss explained that the Crisis Center's role has been to conduct assessments of individuals and identify the best intervention. She stated that the Crisis Center has been determined to be part of an approved treatment facility, to which Chair Evans explained that this has been an area of concern for law enforcement agencies.

Captain Randy Schultz, Sheriff's Patrol Division, stated that this has been a reoccurring issue since 2003. He explained that this hinges on two points: (1) the liability concerns--legal issues over the statutory definition of a facility that treats and detains; and (2) patrol operations' efficiency with the time involved with two locations. He continued by saying the Crisis Center's purpose is not questioned by any of the law enforcement agencies. He said it is his understanding that once an individual is delivered to a facility, that patient becomes the responsibility of the Human Services Director; and if transport is needed to another facility, the Director may request and the Sheriff will provide the transport. He indicated that this has a significant strain on the efficiency and costs of the Sheriff's Department, as well as safety of the officers.

Ms. Koss stated that prior to mid-September, the Green Bay Police Department had been completely on board with the system and had been willing to do the second transport. She added it had been only when the facilities are full, necessitating an out-of-County transport, that the Sheriff's Department had been contacted. She

noted that of the 1,000 cases in 2008, almost 800 were Green Bay Police; so with the Green Bay Police on board, the system had worked relatively well during the past 20 years. She said the liability issue became a concern when the State law changed requiring law enforcement to obtain County approval before a person can be placed inpatient.

John Leutscher, Corporation Counsel, stated that there had been discussions with the City of Green Bay regarding the wording of the Hold Harmless Agreement; and he understood that the concerns had been addressed in September. Mr. Leutscher was waiting for the draft from the City. He added that Rebecca Lindner, also with Corporation Counsel, had drafted an agreement (copy attached) and forwarded it to the City's attorney.

Concerning the transportation issues outlined by Captain Schultz, Mr. Leutscher said he was told by Chief Deputy Molitor, Green Bay Police Department, that under no circumstances would the City duck its responsibility on the transport. He added that DePere had raised this issue before; and he thinks this is a manpower issue. Captain Schultz said Green Bay Police Department has provided transport and has been a tremendous help to the Sheriff's Department. However, Captain Schultz said there still is concern for the safety of all concerned and the privacy of the patient, when a patient is transported multiple times, and suggested that it would be preferable to bring an individual to one location only as quickly and as safely as possible. He stated that his personal opinion is that this current system is not in the best interest of that balance of safety and efficiency.

Supervisor Lund said he was under the impression that the assessment could not be performed at the CTC because the CTC is the most restrictive facility. He added that it would be more costly to admit all individuals initially into the CTC.

Supervisor Knier asked Mr. Luetscher if a letter could be obtained from the State Human Services Department indicating that the Crisis Center is part of the services. Mr. Luetscher said this has been attempted; and he was told via telephone by Madison that Brown County is the model for the entire state and in the forefront.

Tom Martin, Family Services, stated that he thinks there is a very good, comprehensive system in place; and addressing the liability issues for all parties (Hold Harmless Agreements) would be the simple solution to getting the system back in operation.

County Executive Hinz said there had been discussion regarding locating the Crisis Center at the CTC and having the assessments performed there, which would not necessitate a higher population at the CTC.

Director Shoup stated that there are several components to this system and that he understands that Captain Schultz's concern really has to do with the location of the triage component. He said he spoke with Mr. Martin and stressed that 86 percent of those assessed do not receive treatment through the CTC. In addition, it is the norm elsewhere in the state that the assessments are performed at a medical facility. He asked if this could be revisited next month in order to allow him time to return with recommendations.

Chair Evans said he agreed but would like to get a Hold Harmless Agreement approved.

(Supervisor Knier left at 6:41 p.m.)

Supervisor LaViolette asked if this has become a bigger issue than it needs to be. She said she thinks if the Hold Harmless Agreement is executed, this could help to resolve this issue.

Rebecca Lindner said the overcrowding situation at the CTC could be alleviated once the Hold Harmless Agreement is executed. She added that if there were funding for a Crisis Center, she would support having two locations.

**Motion made by Supervisor LaViolette and seconded by Supervisor Lund to approve a Hold Harmless Agreement with all law enforcement agencies within Brown County. MOTION APPROVED UNANIMOUSLY.**

**Motion made by Supervisor LaViolette and seconded by Supervisor Lund to refer this to the January Human Services Meeting. MOTION APPROVED UNANIMOUSLY.**

**Aging & Disability Resource Center.**

**5. Financial Report of August 31, 2009, and September 30, 2009:**

**Motion made by Supervisor LaViolette and seconded by Supervisor Lund to receive and place on file. MOTION APPROVED UNANIMOUSLY.**

**Human Services Dept.**

**6. Resolution re: Resolution to Terminate the Community Treatment Center's Tax Exempt Organization Status:**

**Motion made by Supervisor Lund and seconded by Supervisor LaViolette to approve. MOTION APPROVED UNANIMOUSLY.**

**7. Director's Report:**

Director Shoup reported that Brown County has received a second variance from the State until January 19, 2010, to allow the Acting Administrator of the CTC (Mary Johnson) to continue in that role. He opined that he is comfortable with Ms. Johnson's leadership and that the operation of the CTC requires some stability; therefore, it is his intention to promote Ms. Johnson to the position of Administrator of the CTC. He continued by saying Ms. Johnson has explored the requirements to become licensed as a Nursing Home Administrator, and Director Shoup offered to report back to this Committee as to how this will be accomplished.

Regarding the events at the CTC during the past weekend, Director Shoup said it is customary to leave some beds unfilled at the end of the week to allow for any needs over the weekend; however, this was not done at the end of last week. In addition, he was informed that the census at the CTC has been higher since the move to the new facility. Director Shoup added that it may be advisable to review protocols and written procedures that would be appropriate to the new facility. Ms. Johnson added that procedures are being revamped and explained to the admission managers. She also spoke with the State to learn if there were alternatives when maximum capacity is reached.

Supervisor Lund opined that there needs to be a separate facility to divert alcohol holds, instead of using the CTC. Kevin Lunog, Clinical Support Services Unit

Coordinator for Human Services, stated that in the proposal for a new agency to take over the diversion facility, there is a request for two beds for social detox.

Director Shoup said he has focused on the CTC since his arrival and has started with the medical team there. He added that he hopes to bring additional information in January regarding those efforts. He stated that Family Care has a lot of implications for the future; because there is more talk of regionalization. He informed the Committee that he and Mr. Lunog will be going to Stevens Point on December 3<sup>rd</sup> to learn more about this.

Supervisor Lund stated that with the healthcare reform Medicaid will be cut to states and presumably the counties; and this will cost the taxpayers. Director Shoup said he thinks there are some economies, and said there are examples of spontaneous collaboration and regionalization.

(Supervisor Knier returned at 7:17 p.m.)

Supervisor Brunette asked Director Shoup about the situation mentioned in the newspaper concerning kinship care. Director Shoup said the licensing activities will be a burden; however, he understands that the State has earmarked a staff position in Green Bay to help with this.

**Motion made by Supervisor Lund and seconded by Supervisor Moynihan to receive and place on file. MOTION APPROVED UNANIMOUSLY.**

8. **Family Care Update:**

Director Shoup said Jean O'Leary, CIP Supervisor, has assumed these duties and has done a remarkable job. He said the NEW Family Care District is composed of seven counties and two tribes. There will be two positions added (Chief Financial Officer and Planning Director) which will be funded by grant, in order to respond to Request for Proposals by the State. This will make possible the receipt of Medicaid dollars.

He reported that on Monday there is an Elected Officials Meeting at 1:00 p.m. in Conference Room A of the Sophie Beaumont Building, which will include a presentation by Community Care; Community Care is an existing HMO for Family Care that is certified by the State to combine both long-term care and traditional healthcare. Also, there will be a Stakeholder's Meeting required by the State in February or March; this will be presented by an official from Madison for the general public—consumers and providers—explaining the changes. There is currently a waiting list of over 1,500; and the State is representing to the counties that the waiting list will disappear.

**Motion made by Supervisor Lund and seconded by Supervisor LaViolette to receive and place on file. MOTION APPROVED UNANIMOUSLY.**

9. **Community Treatment Center Update:**

10. **Community Treatment Center Statistics:**

**Motion made by Supervisor Lund and seconded by Supervisor Moynihan to take Items No. 9 and No. 10 together and receive and place on file. MOTION APPROVED UNANIMOUSLY.**

11. **Bellin Psychiatric Monthly Report:**

**Motion made by Supervisor Moynihan and seconded by Supervisor Lund to receive and place on file. MOTION APPROVED UNANIMOUSLY.**

12. **Approval for New Non-Continuous Vendor:**

**Motion made by Supervisor LaViolette and seconded by Supervisor Moynihan to approve. MOTION APPROVED UNANIMOUSLY.**

13. **Request for New Vendor Contract:**

**Motion made by Supervisor LaViolette and seconded by Supervisor Lund to approve. MOTION APPROVED UNANIMOUSLY.**

14. **Monthly Contract Update:**

Supervisor Lund asked Director Shoup to provide a list of all vendors by next month's meeting for the Committee's approval.

**Motion made by Supervisor Lund and seconded by Supervisor Moynihan to approve. MOTION APPROVED UNANIMOUSLY.**

15. **Financial Report for Community Programs:**

**Motion made by Supervisor Lund and seconded by Supervisor Brunette to approve. MOTION APPROVED UNANIMOUSLY.**

16. **Financial Report for Community Treatment Center:**

**Motion made by Supervisor Lund and seconded by Supervisor Moynihan to approve. MOTION APPROVED UNANIMOUSLY.**

**Health Dept.:** No agenda items.

**Syble Hopp School:** No agenda items.

**Veterans Dept.:** No agenda items.

**Other:**

17. **Audit of Bills:**

**Motion made by Supervisor Knier and seconded by Supervisor Moynihan to pay the bills. MOTION APPROVED UNANIMOUSLY.**

18. **Such Other Matters as Authorized by Law: None.**

**Motion made by Supervisor Moynihan and seconded by Supervisor LaViolette to adjourn at 7:29 p.m. MOTION APPROVED UNANIMOUSLY.**

Respectfully submitted,

Lisa M. Alexander  
Recording Secretary

**Agreement between Brown County and the City of Green Bay**

**THIS AGREEMENT**, (hereinafter "Agreement") by and between the City of Green Bay (hereinafter the "City"), a city government organized under the laws of Wisconsin, and Brown County (hereinafter the "County"), a county government organized under the laws of Wisconsin (collectively, the "parties"), is entered into by signature of both parties:

**WITNESSETH:**

**Whereas**, 2009 Wisconsin Act 28, amended Wisconsin Statute Chapter 51.15 (2) regarding the procedure for emergency detentions under the statute;

**Whereas**, the Statute above was amended to encourage a more collaborative approach to emergency detentions between counties and local law enforcement officials;

**Whereas**, the parties recognize the importance of collaboration and cost mitigation in providing governmental services;

**Whereas**, the parties desire a cooperative relationship to best protect the safety and wellbeing of the citizens;

**Whereas**, the parties share jurisdiction and provide governmental services within their respective governmental territories;

**NOW, THEREFORE**, the parties agree to the following:

1. Wisconsin Statute 51.15(2) now requires the process for Emergency Detentions to be a collaboration between local law enforcement, including the City, and the Brown County Health and Human Services system; and
2. The City's law enforcement officers will collaborate with the County regarding all Emergency Detentions under Wisconsin Statute Chapter 51 by means of an assessment at the designated County Health and Human Services facility, which is the Crisis Center at Family Services Association, 300 S. Crooks Street, Green Bay WI, 54301, and
3. The City, may, as has been the past procedure, obtain telephone approval from the Crisis Center to bypass the County's designated facility and go directly to the Brown County Community Treatment Center when exigent circumstances exist, such as an individual is uncooperative, violent, combative, or other similar behaviors are exhibited; and
4. The City and the County agree that the Crisis Center staff may also be utilized for squad side calls or for calls for assessments at local hospitals prior to an officer completing an Emergency Detention; and

5. The County agrees to defend, indemnify, and hold harmless the City and its officers, directors, agents, and employees from and against any claim, suit, loss, or damage relating to allegations of negligent, intentional or unlawful acts by the County, its employees or agents, or actions arising from the conduct of the County's employees or agents as a result of this agreement; and
6. The City agrees to defend, indemnify, and hold harmless the County and its officers, directors, agents and employees from and against any claim, suit, loss, or damage relating to allegations of negligent, intentional or unlawful acts by the City, its employees or agents, or actions arising from the conduct of the City's employees or agents as a result of this Agreement; and
7. This Agreement does not govern, change the relationship or effect the designation of liability between the County and Family Services Association; and
8. The County and the City do not waive, and specifically reserve, their right to assert any and all affirmative defenses and limitations of liability as specifically set forth in Wisconsin Statutes, Chapter 893, Wis. Stat. §51.15(11) and (11)g and related statutes.

IN WITNESS WHEREOF, the parties have caused their respective and authorized representatives to execute this Agreement effective as the date it is signed by both parties.

CITY OF GREEN BAY:

Date: \_\_\_\_\_ Jim Schmidt, Mayor

Date: \_\_\_\_\_ Tony Wachewicz, Asst. City Attorney

BROWN COUNTY:

Date: \_\_\_\_\_ Tom Hinz, County Executive

Date: \_\_\_\_\_ John Luetscher, Corporation Counsel